IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
MAY & 2006
JOHN F. CORCEBAN, CLERK
BY:
DEPUTY CLERK

DAMIEN NELSON,		DEF
Petitioner,) Civil Action No. 7:06-cv-00329	
v.)) <u>FINAL ORDER</u>	
UNITED STATES OF AMERICA, Respondent.	 By: Hon. James C. Turk Senior United States District Jud 	dge

In accordance with the foregoing, it is hereby

ADJUDGED AND ORDERED

that petitioner's "Application and Motion for Relief from Judgment Pursuant to Fed. R. Civ. P. 60(b)" is hereby construed and DISMISSED without prejudice as a successive motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, and this matter is hereby stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to petitioner at his current place of confinement and to counsel of record for ENTER: This 3 Inday of May, 2006.

Senior United States District Judge the government.